

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|----------------------|--------------------------------|---|----------|
| In re application of | |) | |
| | |) | |
| | Lew Aronson et al. |) | |
| | |) | |
| Serial No.: | 10/824,258 |) | Art Unit |
| | |) | 2613 |
| Confirmation No.: | 6508 |) | |
| | |) | |
| Filed: | April 14, 2004 |) | |
| | |) | |
| For: | OUT-OF-BAND DATA COMMUNICATION |) | |
| | BETWEEN NETWORK TRANSCEIVERS |) | |
| | |) | |
| Examiner: | Luis Garcia |) | |

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. § 1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record

believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

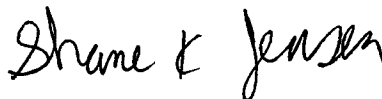
In accordance with 37 C.F.R. § 1.98(c), all English translations within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) of each non-English reference, if any, are also enclosed.

Since all listed references are either in the English language or are accompanied by a translation into English, no concise explanation of relevance is required under 37 C.F.R. § 1.98(a)(3).

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

DATED this 10th of July, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric L. Maschoff".

ERIC L. MASCHOFF
Registration No. 36,596
SHANE K. JENSEN
Registration No. 55,301
Attorneys for Applicant
Customer No. 022913
Telephone: (801) 533-9800

Applicant: Aronson, et al.

Serial No.: 10/824,258

Att'y Docket No.: 15436.312

Filing Date: April 14, 2004

Group: 2613

For: OUT-OF-BAND DATA COMMUNICATION BETWEEN NETWORK
TRANSCEIVERSINFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

| <u>Examiner Initial*</u> | <u>Document Number</u> | <u>Issue Date</u> | <u>Name</u> |
|------------------------------|----------------------------|-----------------------|-----------------|
| ____ 1 | 4,359,553 | 11/16/1982 | Edwards |
| ____ 2 | 4,378,451 | 03/29/1983 | Edwards |
| ____ 3 | 4,687,924 | 08/18/1987 | Galvin et al. |
| ____ 4 | 4,734,914 | 03/29/1988 | Yoshikawa |
| ____ 5 | 4,747,091 | 05/24/1988 | Doi |
| ____ 6 | 4,809,286 | 02/28/1989 | Kollanyi et al. |
| ____ 7 | 4,916,707 | 04/10/1990 | Rosenkranz |
| ____ 8 | 4,932,038 | 06/05/1990 | Windus |
| ____ 9 | 5,019,769 | 05/28/1991 | Levinson |
| ____ 10 | 5,039,194 | 08/13/1991 | Block et al. |
| ____ 11 | 5,041,491 | 08/20/1991 | Turke et al. |
| ____ 12 | 5,047,835 | 09/10/1991 | Chang |
| ____ 13 | 5,268,949 | 12/07/1993 | Watanabe et al. |
| ____ 14 | 5,287,375 | 02/1994 | Fujimoto |
| ____ 15 | 5,334,826 | 08/02/1994 | Sato et al. |

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Aronson, et al.

Serial No.: 10/824,258

Att'y Docket No.: 15436.312

Filing Date: April 14, 2004

Group: 2613

For: OUT-OF-BAND DATA COMMUNICATION BETWEEN NETWORK
TRANSCEIVERS

| | | | |
|----------|-----------|------------|-----------------|
| _____ 16 | 5,383,208 | 01/17/1995 | Queniat et al. |
| _____ 17 | 5,392,273 | 02/21/1995 | Masaki et al. |
| _____ 18 | 5,396,059 | 03/07/1995 | Yeates |
| _____ 19 | 5,448,629 | 09/05/1995 | Bosch et al. |
| _____ 20 | 5,516,563 | 05/14/1996 | Schumann et al. |
| _____ 21 | 5,557,437 | 09/17/1996 | Sakai et al. |
| _____ 22 | 5,574,435 | 11/12/1996 | Mochizuki |
| _____ 23 | 5,576,877 | 11/19/1996 | Aulet et al. |
| _____ 24 | 5,594,748 | 01/14/1997 | Jabr |
| _____ 25 | 5,604,758 | 02/1997 | AuYeung et al. |
| _____ 26 | 5,673,282 | 09/30/1997 | Wurst |
| _____ 27 | 5,748,672 | 05/1998 | Smith et al. |
| _____ 28 | 5,761,216 | 06/02/1998 | Sotome et al. |
| _____ 29 | 5,801,866 | 09/01/1998 | Chan et al. |
| _____ 30 | 5,812,572 | 09/22/1998 | King et al. |
| _____ 31 | 5,854,704 | 12/29/1998 | Grandpierre |
| _____ 32 | 5,926,303 | 07/20/1999 | Giebel et al. |
| _____ 33 | 5,953,690 | 09/14/1999 | Lemon et al. |
| _____ 34 | 5,956,168 | 09/21/1999 | Levinson et al. |
| _____ 35 | 5,966,395 | 10/1999 | Ikeda |

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Aronson, et al.

Serial No.: 10/824,258

Att'y Docket No.: 15436.312

Filing Date: April 14, 2004

Group: 2613

For: OUT-OF-BAND DATA COMMUNICATION BETWEEN NETWORK
TRANSCEIVERS

| | | | |
|----------|-----------|------------|------------------|
| _____ 36 | 6,049,413 | 04/2000 | Taylor |
| _____ 37 | 6,055,252 | 04/2000 | Zhang |
| _____ 38 | 6,064,501 | 05/16/2000 | Roberts et al. |
| _____ 39 | 6,157,022 | 12/05/2000 | Meada et al. |
| _____ 40 | 6,160,647 | 12/12/2000 | Gilliland et al. |
| _____ 41 | 6,175,434 | 01/2001 | Feng |
| _____ 42 | 6,188,059 | 02/13/2001 | Nishlyama et al. |
| _____ 43 | 6,198,558 | 03/2001 | Graves et al. |
| _____ 44 | 6,205,505 | 03/20/2001 | Jau et al. |
| _____ 45 | 6,222,660 | 04/24/2001 | Traa |
| _____ 46 | 6,229,788 | 05/2001 | Graves et al. |
| _____ 47 | 6,256,127 | 07/03/2001 | Taylor |
| _____ 48 | 6,292,497 | 09/2001 | Nakano |
| _____ 49 | 6,313,459 | 11/2001 | Hoffe et al. |
| _____ 50 | 6,423,963 | 07/23/2002 | Wu |
| _____ 51 | 6,473,224 | 10/29/2002 | Dugan et al. |
| _____ 52 | 6,512,617 | 01/28/2003 | Tanji et al. |
| _____ 53 | 6,519,255 | 02/2003 | Graves |
| _____ 54 | 6,526,076 | 02/2003 | Cham et al. |
| _____ 55 | 6,570,149 | 05/2003 | Maruyama et al. |

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Aronson, et al.

Serial No.: 10/824,258

Att'y Docket No.: 15436.312

Filing Date: April 14, 2004

Group: 2613

For: OUT-OF-BAND DATA COMMUNICATION BETWEEN NETWORK
TRANSCEIVERS

| | | | |
|----------|-----------|------------|-----------------|
| _____ 56 | 6,594,050 | 07/2003 | Jannson et al. |
| _____ 57 | 6,631,146 | 10/07/2003 | Pontis et al. |
| _____ 58 | 6,643,472 | 11/2003 | Sakamoto et al. |
| _____ 59 | 6,661,836 | 12/2003 | Dalal et al. |
| _____ 60 | 6,694,462 | 02/2004 | Reis et al. |
| _____ 61 | 6,748,181 | 06/2004 | Miki et al. |
| _____ 62 | 6,937,949 | 08/30/2005 | Fishman et al. |
| _____ 63 | 6,941,077 | 09/06/2005 | Aronson et al. |
| _____ 64 | 6,952,531 | 10/04/2005 | Aronson et al. |
| _____ 65 | 7,020,567 | 03/28/2006 | Fishman et al. |
| _____ 66 | 7,058,310 | 06/06/2006 | Aronson et al. |

U.S. Published Patent Application Documents

| <u>Examiner Initial*</u> | <u>Document Number</u> | <u>Pub. Date</u> | <u>Name</u> |
|------------------------------|----------------------------|----------------------|-----------------|
| _____ 67 | 2001/0046242 | 11/29/2001 | Kawakami et al. |
| _____ 68 | 2001/0046243 | 11/29/2001 | Schie |
| _____ 69 | 2002/0021468 | 02/21/2002 | Kato et al. |
| _____ 70 | 2002/0027688 | 03/07/2002 | Stephenson |
| _____ 71 | 2002/0060824 | 05/23/2002 | Liou et al. |

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Aronson, et al.

Serial No.: 10/824,258

Att'y Docket No.: 15436.312

Filing Date: April 14, 2004

Group: 2613

For: OUT-OF-BAND DATA COMMUNICATION BETWEEN NETWORK
TRANSCEIVERS

| | | | |
|----------|--------------|------------|--------------------|
| _____ 72 | 2002/0097468 | 07/25/2002 | Mecherle et al. |
| _____ 73 | 2002/0101641 | 08/2002 | Kurchuk |
| _____ 74 | 2002/0105982 | 08/2002 | Chin et al. |
| _____ 75 | 2002/0129379 | 09/2002 | Levinson et al. |
| _____ 76 | 2002/0149821 | 10/17/2002 | Aronson et al. |
| _____ 77 | 2002/0181519 | 12/2002 | Vilhelmsson et al. |
| _____ 78 | 2002/0181894 | 12/05/2002 | Gilliand et al. |
| _____ 79 | 2003/0053170 | 03/2003 | Levinson et al. |
| _____ 80 | 2003/0110509 | 06/2003 | Levinson et al. |
| _____ 81 | 2003/0113118 | 06/19/2003 | Bartur |
| _____ 82 | 2003/0169790 | 09/11/2003 | Chieng et al. |
| _____ 83 | 2003/0210917 | 11/13/2003 | Stewart et al. |
| _____ 84 | 2004/0076113 | 04/22/2004 | Aronson et al. |
| _____ 85 | 2004/0120720 | 06/24/2004 | Chang et al. |
| _____ 86 | 2004/0153913 | 08/05/2004 | Fishman et al. |
| _____ 87 | 2004/0202210 | 10/14/2004 | Thornton |
| _____ 88 | 2004/0240886 | 12/02/2004 | Aronson et al. |
| _____ 89 | 2004/0253003 | 12/2004 | Farmer et al. |
| _____ 90 | 2005/0031352 | 02/10/2005 | Light et al. |
| _____ 91 | 2005/0058455 | 03/17/2005 | Hosking et al. |

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Aronson, et al.

Serial No.: 10/824,258

Att'y Docket No.: 15436.312

Filing Date: April 14, 2004

Group: 2613

For: OUT-OF-BAND DATA COMMUNICATION BETWEEN NETWORK
TRANSCIVERSForeign Patent Documents

| <u>Examiner Initial*</u> | <u>Document Number</u> | <u>Publication Date</u> | <u>Country or Patent Office</u> |
|------------------------------|----------------------------|-----------------------------|-------------------------------------|
| _____ 92 | JP 402102589 A | 04/16/1990 | Japan |
| _____ 93 | JP 404023373 A | 01/1992 | Japan |
| _____ 94 | 06504405 T2 | 05/19/1994 | Japan |
| _____ 95 | 06209209 A | 07/26/1994 | Japan (Abstract) |
| _____ 96 | 09162811 A | 06/20/1997 | Japan (Abstract) |
| _____ 97 | WO 98/00893 | 01/08/1998 | PCT |
| _____ 98 | WO 98/00943 | 08/01/1998 | PCT |
| _____ 99 | EP0745868B1 | 04/17/2002 | EPO |
| _____ 100 | PCT/US02/03226 | 05/09/2002 | PCT (search report) |
| _____ 101 | WO 02/063800 A1 | 08/15/2002 | PCT |
| _____ 102 | EP 02704344 | 10/05/2004 | EPO (search report) |
| _____ 103 | EP 04017254 | 10/05/2004 | EPO (search report) |
| _____ 104 | WO/2004/098100 | 11/11/2004 | PCT |
| _____ 105 | EP 1471671 A2 | 12/27/2004 | EPO |
| _____ 106 | JP 58140175 A (abstract) | 08/19/1983 | Japan |
| _____ 107 | JP 62124576 A (abstract) | 06/05/1987 | Japan |
| _____ 108 | JP 62235975 A (abstract) | 10/16/1987 | Japan |

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Aronson, et al.

Serial No.: 10/824,258

Att'y Docket No.: 15436.312

Filing Date: April 14, 2004

Group: 2613

For: OUT-OF-BAND DATA COMMUNICATION BETWEEN NETWORK
TRANSCIVERS

_____ 109 JP 62281485 A (abstract) 12/07/1987

Japan

Other Documents

(including author, title, pertinent pages, etc.)

Examiner

Initial*

- _____ 110 Yi Cai et al., "Jitter testing for gigabit serial communication transceivers," Jan -- Feb 2002, IEEE Design and Test of Computers, Vol. 19, Issue 1, pp 66-74.
- _____ 111 MAEDA, Noriyuki "Notification of Reason(s) for Refusal," Japanese Patent Application No. JP2002-563630, Nakamura, M. et al., July 13, 2005.
- _____ 112 Finisar Corp., "App. Note AN-2025: Using the Finisar GBIC I²C Test Diagnostics Port," 1998.
- _____ 113 Hausdorf, Reiner, "Mobile Transceiver Measurements with Radiocommunication Service Monitor CMS," News from Rohde & Schwarz, 127, IV, 1989, pp 4-7.
- _____ 114 Webopedia: The 7 Layers of the OSI Model [online] [retrieved 10/15/03]. Retrieved from Internet: URL: http://webopedia.internet.com/quick_ref/OSI_Layers.asp
- _____ 115 Webopedia.com: Public-Key Encryption [online] [retrieved 10/15/03]. Retrieved from Internet: URL: http://www.webopedia.com/TERM/p/public_key_cryptography.html
- _____ 116 Webopedia.com: MAC Address [online] [retrieved 10/15/03]. Retrieved from Internet: URL: http://www.webopedia.com/TERM/M/MAC_address.html
- _____ 117 Webopedia.com: 12C [online] [retrieved 11/11/03]. Retrieved from Internet: URL: <http://www.webopedia.com/TERM/I/12C.html>
- _____ 118 Manchester Encoding [online] [retrieved 11/12/03]. Retrieved from Internet: URL: <http://www.erg.abdn.ac.uk/users/gorry/course/phy-pages/man.html>

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Aronson, et al.

Serial No.: 10/824,258

Att'y Docket No.: 15436.312

Filing Date: April 14, 2004

Group: 2613

For: OUT-OF-BAND DATA COMMUNICATION BETWEEN NETWORK
TRANSCEIVERS

- _____ 119 Documentation entitled "IR Receiver ASSP: T2525", copyright 2003 by Atmel Corporation
- _____ 120 Documentation entitled "IR Receiver for Data Communication: U2538B", copyright 2003 by Atmel Corporation
- _____ 121 Documentation entitled "Low-Voltage Highly Selective IR Receiver IC: T2527", copyright 2002 by Atmel Corporation
- _____ 122 Documentation entitled "Application Note: T2525/26/27", copyright 2003 by Atmel Corporation
- _____ 123 *Optiport SFF BiDi-Transceiver 100 Mbit/s, 1310 nm Tx/1550 nm Rx*, Infineon Technologies, June 22, 2004, pp. 1-14.
- _____ 124 *LXT16706/16707 SerDes Chipset*, Intel Products,
www.intel.com/design/network/products/optical/phys/1xt16706.htm,
April 19, 2002.
- _____ 125 *LXT35401 XAUI-to-Quad 3.2G Transceiver*, Intel Products,
www.intel.com/design/network/products/optical/phys/1xt35401.htm,
April 19, 2002
- _____ 126 Texas Instruments User's Guide, *TLK2201 Serdes EVM Kit Setup and Usage*, Mixed Signal DSP Solutions, July 2000.
- _____ 127 Texas Instruments User's Guide, *TLK1501 Serdes EVM Kit Setup and Usage*, Mixed Signal Products, June 2000.
- _____ 128 National Semiconductor DS92LV16 Design Guide, *Serializing Made Simple*, February 2002.
- _____ 129 Vaishali Semiconductor, *Fibre Channel Transceiver*, VN16117, MDSN-0002-02, 08/09/2001.
- _____ 130 Fairchild Semiconductor, Application Note 77, *CMOS, the Ideal Logic Family*, January 1983.

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant: Aronson, et al.

Serial No.: 10/824,258

Att'y Docket No.: 15436.312

Filing Date: April 14, 2004

Group: 2613

For: OUT-OF-BAND DATA COMMUNICATION BETWEEN NETWORK
TRANSCEIVERS

- _____ 131 Analog Target Specification, Annex 48B, Published by IEEE New York, 05/2001, pp. 6-14.
- _____ 132 Infrared Remote Control Decoder, Philips Semiconductor, September 13, 1996, pp. 1-16.

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

LLC0000000124V001

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.
